



ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Akihiko NISHIO, et al.

Application No.: 10/550,557

Filed: September 23, 2005

For: BASE STATION APPARATUS AND COMMUNICATION METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

In response to the pending Restriction Requirement, Applicants hereby elect Group III,

Claims 1 and 2, with traverse.

Applicants respectfully request withdrawal of the Restriction Requirement. No unduly extensive or burdensome search would be required to examine the various claims of the noted Groups in the same application. MPEP §803 states:

"If the search and examination of an entire application can be made without serious burden, the Examiner *must* examine it on the merits even though it includes claims to distinct or independent inventions." (Emphasis added)

In the present case, the search for all pending claims together would not be burdensome.

Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Restriction Requirement is maintained, it is clear that there is substantially more burden on Applicants by imposing the present Requirement than on the Patent Office if the Requirement were withdrawn.